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Attorneys for Plaintiff
TERESA JUNKERSFELD

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA**

TERESA JUNKERSFELD, an individual on behalf of herself and others similarly situated.

Plaintiff.

V.

PER DIEM STAFFING SYSTEMS, INC.;
and DOES 1 to 10 inclusive,

Defendants.

| Case No. 4:18-cv-07795-KAW

NOTICE OF MOTION AND
MOTION FOR PRELIMINARY
APPROVAL OF CLASS ACTION
SETTLEMENT

Date: January 6, 2022

Time: 1:30 p.m.

Location: Oakland Courthouse

NOTICE OF MOTION AND MOTION FOR PRELIMINARY APPROVAL OF CLASS ACTION SETTLEMENT

1 **TO THE COURT, DEFENDANT PER DIEM STAFFING SYSTEMS, INC.,**
2 **AND ITS COUNSEL OF RECORD:**

3 **PLEASE TAKE NOTICE THAT** on January 6, 2022 at 1:30 p.m. in the
4 United States District Court for the Northern District of California, located at 1301
5 Clay Street, Oakland, CA 94612, the Honorable Kandis A. Westmore, presiding,
6 Plaintiff Teresa Junkersfeld (“Plaintiff”) will and hereby does move for entry of an
7 Order:

- 8 1. Preliminarily approving the terms of the Joint Stipulation and Settlement
9 Agreement (“Settlement”) with Defendant Per Diem Staffing Systems, Inc.
10 (“Defendant”), which is submitted concurrently herewith as Exhibit 2 to the
11 Compendium of Evidence, as fair, reasonable, and adequate;
- 12 2. Conditionally certifying the following proposed class for purposes of the
13 Settlement only:
14 All non-exempt hourly healthcare professionals employed by
15 Defendant in California at any time between December 28, 2014 and
16 July 1, 2021 who worked California overtime (i.e., over 8 hours per
17 day) in any workweek during this period and received a housing
18 allowance and/or a per diem allowance;
- 19 3. Conditionally certifying the following proposed Fair Labor Standards Act
20 (“FLSA”) collective for purposes of the Settlement only:
21 All non-exempt hourly healthcare professionals employed by
22 Defendant in California at any time between December 28, 2015 and
23 July 1, 2021 who worked FLSA overtime hours (i.e., over 40 hours) in
24 any workweek during this period and received a housing allowance
25 and/or a per diem allowance;
- 26 4. Appointing Plaintiff as representative of the Settlement class and collective;

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30 NOTICE OF MOTION AND MOTION FOR PRELIMINARY APPROVAL OF CLASS
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5. Appointing Hayes Pawlenko LLP as counsel for the Settlement class and collective;
6. Approving the manner and content of the notice of Settlement, which is submitted concurrently herewith as Exhibit 4 to the Compendium of Evidence, as constituting the best notice practicable under the circumstances and in compliance with the requirements of due process;
7. Appointing CPT Group, Inc. as the settlement administrator, preliminarily approving settlement administration costs of up to \$15,000, and directing the settlement administrator to disseminate notice in accordance with the Settlement; and
8. Scheduling a final fairness hearing on the question of whether the proposed Settlement should be finally approved.

The motion is unopposed by Defendant and will be based on this Notice, the Memorandum of Points & Authorities filed concurrently herewith, the Compendium of Evidence filed concurrently herewith, the records on file in this action, and any additional arguments or evidence presented to the Court in advance of the hearing.

DATED: November 30, 2021

HAYES PAWLENKO LLP

By:/s/Kye D. Pawlenko
Attorneys for Plaintiff

NOTICE OF MOTION AND MOTION FOR PRELIMINARY APPROVAL OF CLASS ACTION SETTLEMENT